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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,080	05/15/2001	Kevin Collins	10006721-1	2538
22879 7590 03/03/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER BATURAY, ALICIA				
ART UNIT 2446		PAPER NUMBER		
NOTIFICATION DATE 03/03/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/858,080

Applicant(s)

COLLINS ET AL.

Examiner

Alicia Baturay

Art Unit

2446

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. In view of the BPAI decision filed on 31 August 2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446.

2. Claims 13-21 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13, 15, 16 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bailey et al. (U.S. 2002/0107971).
5. With respect to claim 13, Bailey teaches an apparatus for managing a plurality of incoming and outgoing transactions at a network storage device, comprising: computer readable storage medium; and computer readable program code residing in said storage medium (Bailey, page 7, paragraph 70), including program code for defining a usage policy for prioritizing said plurality of incoming and outgoing transactions relative to one another (Bailey, page 9, paragraph 82).
6. With respect to claim 15, Bailey teaches the invention described in claim 13, including an apparatus wherein said computer readable program code further comprises program code for

identifying said network storage device (Bailey, page 8, paragraph 71), and wherein said network storage device is a NAS device (Bailey, page 3, paragraph 40).

7. With respect to claim 16, Bailey teaches the invention described in claim 13, including an apparatus wherein said computer readable program code further comprises program code for prioritizing said number of transactions based on said usage policy (Bailey, page 9, paragraph 82).

8. With respect to claim 18, Bailey teaches the invention described in claim 13, including an apparatus wherein said transactions are incoming transactions to said network storage device (Bailey, page 8, paragraph 72).

9. With respect to claim 19, Bailey teaches the invention described in claim 13, including an apparatus wherein said transactions are outgoing transactions from said network storage device (Bailey, page 8, paragraph 72).

10. With respect to claim 20, Bailey teaches an apparatus for managing a number of incoming and outgoing transactions at a network storage device, comprising: means for reading meta data from said number of incoming and outgoing transactions at said network storage device (Bailey, page 9, paragraph 82); and means for prioritizing said number of incoming and outgoing transactions based at least in part on said meta data (Bailey, page 9, paragraph 82),

wherein said prioritizing means resides at said network storage device (Bailey, page 7, paragraph 70).

11. With respect to claim 21, Bailey teaches the invention described in claim 20, including an apparatus further comprising means for transmitting said number of transactions based at least in part on a priority thereof (Bailey, page 9, paragraph 82).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey and further in view of Zavalkovsky et al. (U.S. 6,988,133).

Bailey teaches the invention substantially as claimed including a network endpoint system receives requests delivered in packet format via a network. The system uses a transport accelerator at its front end, which performs all or some of the network protocol processing. The transport accelerator is directly connected to one or more processing units, which respond to the requests. The protocol processing may be partitioned between the

transport accelerator and the processing units in a manner that best uses their different processing capabilities (see Abstract).

14. With respect to claim 14, Bailey teaches the invention described in claim 13, including an apparatus for managing a plurality of incoming and outgoing transactions at a network storage device, comprising: computer readable storage medium; and computer readable program code residing in said storage medium (Bailey, page 7, paragraph 70), including program code for defining a usage policy for prioritizing said plurality of incoming and outgoing transactions relative to one another (Bailey, page 9, paragraph 82).

Bailey does not explicitly teach a policy management server that distributes the usage policy to a network storage device.

However, Zavalkovsky teaches an apparatus wherein said computer readable program code resides at a policy management server (Zavalkovsky, col. 3, lines 40-43) and further comprises program code for distributing said usage policy to said network storage device (Zavalkovsky, col. 10, line 23 – col. 12, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bailey in view of Zavalkovsky in order to enable a policy management server that distributes the usage policy to a network storage device. One would be motivated to do so in order to deploy quality of service policy information to a plurality of network devices, or to an entire network, with assurance that all devices will receive all applicable policy information.

15. With respect to claim 17, Bailey teaches the invention described in claim 16, including an apparatus for managing a plurality of incoming and outgoing transactions at a network storage device, comprising: computer readable storage medium; and computer readable program code residing in said storage medium (Bailey, page 7, paragraph 70), including program code for defining a usage policy for prioritizing said plurality of incoming and outgoing transactions relative to one another (Bailey, page 9, paragraph 82).

Bailey does not explicitly teach a policy management server that distributes the usage policy to a network storage device.

However, Zavalkovsky teaches an apparatus wherein said computer readable program code further comprises: program code for installing on a policy management server (Zavalkovsky, col. 3, lines 40-43), said program code for defining a usage policy (Zavalkovsky, col. 7, lines 1-34); and program code for installing on said network storage device (Zavalkovsky, col. 10, line 23 – col. 12, line 24), said program code for prioritizing said transactions (Zavalkovsky, col. 7, lines 1-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bailey in view of Zavalkovsky in order to enable a policy management server that distributes the usage policy to a network storage device. One would be motivated to do so in order to deploy quality of service policy information to a plurality of network devices, or to an entire network, with assurance that all devices will receive all applicable policy information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
March 1, 2010

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446